IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.15 OF 2007

IN

APPEAL NO.645 OF 2005

IN

ARBITRATION PETITION NO.78 OF 2005

Kalpataru Construction Overseas Pvt.Ltd. ...Petitioners

v/s

Shree Ram Mills Ltd. and ors. ...Contemnors

And

Vijay Infrastructure Technologies Pvt.Ltd. ...Respondents

Mr D.J. Khambata i/b M/s Federal and Rashmikant for Petitioners.

Mr J. Chinoy with Mr P.A. Sawant, Mr S. Garud i/b M/s Khaitan and Jaykar for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 24TH APRIL 2007.

P.C. :-

1. Heard learned counsel for both the sides. Perused the orders passed from time to time. So far as the aspect of mortgage deed created is concerned, the loan has been repaid and now there is no mortgage. So far as the re-allocation of reservation is concerned, in view of the undertaking, the interest of the petitioners is fully protected. The only thing that requires to be noted is that though the respondent No.1 has filed an affidavit today, it cannot be said that that affidavit has complied with the directions issued by order dated 9th April 2007. By order dated 9th April 2007, the respondent No.1 was directed to clarify as to why when statement was made on behalf of the respondent No.1 by the lawyer, it was not disclosed to the Court that there has been a meeting within the Commissioner on 20th April 2007. It appears that in so far as that aspect is concerned, the respondent No.1 has no explanation to offer. But, in my opinion, taking overall view of the matter, only for that reason it will not be appropriate to entertain this petition. Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as

true copy.

. Certified copy expedited.